

# DURANT WEEKLY NEWS

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## WE COMPEL A SPECIAL ELECTION

C. D. Donaldson Asks Writ of Mandamus Compelling Mayor to Call Election to Vote on Sale of City Lighting Plant.

C. D. Donaldson has filed suit in the district court against Mayor Jim Yarbrough and City Clerk Head, in which he prays the court to issue a writ of mandamus compelling the mayor and clerk to call a special election to give the people the opportunity to ratify or reject the deal recently made whereby the city's lighting plant was sold to the Durant Ice and Light Company.

The petitioner recites that the council proceeded by ordinance and resolution without the emergency clause, making it a legislative act, which is unconstitutional, and that same must by law be referred to the people. He further states that a petition asking for an election to vote on the proposition and signed by 25 per cent of the qualified electors of the city was presented to the mayor and clerk, which they ignored.

The deal with the light company was made some time ago, and the cash consideration paid over to the city. At that time, H. C. Frye, a member of the council got up a petition for a special election, to refer the matter to the voters, but no attention was paid to the matter. The outcome of the suit is awaited with much interest, as a great deal of money is involved. Crockett & Fowler are the attorneys for the petitioner.

### Other District Court Cases

Other cases filed in the district court this week are as follows:

Palmer Owen Mercantile Co., vs. The Caddo Mercantile Co., suit on promissory note.

W. E. Lottis against Chas. A. Doney, appeal.

Messdames W. L. Searce and Chas. Hilsbeck were here from Calera last Monday.

## WATERMELON SUPPER AT NORMAL

"One hundred and twenty-five large water melons on ice. We are going to eat them all Thursday night. Come and help us do it," such was the invitation that President Brooks of the Normal extended to the Twenty-Five Expansion club Wednesday. The invitation specified Thursday night, and assurance of a full attendance on the part of the club members was given. Of course there will be several hundred Normal pupils and teachers there as well.

## INDIAN PAYMENT CHECKS RECEIVED

Checks for the per capita payment to the Chickasaw and Choctaw Indians are being received here this week, all of them coming via registered mail. The post office here is a busy place taking care of them. The payment will amount to about a million dollars in this county, and within a few days they will be coming in thick. Payments are made in the order in which applications are received at the Muskogee office.

## MANY TYPHOID DEATHS

There have been so many deaths from typhoid fever at Mead and community that County Health Officer Dr. Schuler and State Drug Inspector Short went out there yesterday and secured samples of water from a number of wells which were sent to the State health department for examination. It is believed that wells in the vicinity are infected with typhoid germs. At least twenty-five cases of the fever are known to exist in the community and there have been several deaths recently.

## STONE VICE PRESIDENT OF PHARMACY BOARD

Sam W. Stone, of this city, member of the State Board of Pharmacy, was last week elected vice president of the board. J. W. Monfort of Alva was chosen president, and H. S. Shackleford of Wynnewood treasurer. At the same session when officials were elected, twenty-eight applicants for registration as druggists were examined, and only seven were able to pass the examination.

## IS CHARGED WITH ASSAULTING GIRL

Bert Gross Arrested on a Complaint Charging that He Took Criminal Advantage of His Thirteen-Year-Old Stepdaughter.

If Bert Gross, of Matoy, is guilty as charged, he has undoubtedly committed one of the most unthinkable crimes in the history of Bryan County criminology, for, according to the testimony of little 13-year-old Luella Jones, his stepdaughter, Gross enticed the child away from home, and when in a lonely spot criminally assaulted her, threatening to kill her if she resisted. Gross was arrested by Deputy Sheriff Wright and lodged in the county jail to await a hearing. Sentiment against Gross was at a high pitch in the community following the news of the affair, and there was some little fear of an attempt at violence toward the prisoner; but this seems to have subsided now.

Gross was released from the penitentiary only two years ago, having served time for rape committed near Antlers. He has laid out two fines in the county jail here, one for getting drunk and making a fuss at Bennington, and again for carrying a weapon.

Gross came into the Matoy country about a year ago, an d after some time married the widow of Osburn Jones, who had twin daughters. It seems that last week one of the girls had gone to Caddo visiting, or thereabouts. At any rate, about nine o'clock Friday night, Gross is said to have aroused little Luella from her sleep and made her dress and go out with him, saying that he was going after her sister. They drove toward Caddo until they came to near Albert Matoy's place, when he turned the horse around and started back. After they had gone a half mile or so, he commanded the girl to get out of the buggy, when by threats of killing her, she says, compelled her to submit to his attentions. They then went home, and the child told her mother of what had happened. Her mother got in touch with the officers, when the complaint and arrest followed. The case is filed in Justice Adam's court at Matoy and was to have been heard this week. Gross is about 30 years old and has a bad reputation.

## CHARGED WITH ASSAULT

John Atkins, of Wade, was before Justice Shannon Tuesday, charged with an assault on kill George Whitworth, also of Wade, and bond was made in the sum of \$500 for his appearance for preliminary hearing on Saturday morning. The complaint of Whitworth recites that Atkins attacked him with a knife while he was waiting for the delivery of a package in the post office at Wade. This, Atkins denies. It is said that the two men did engage in an altercation, and that Atkins had a knife in his hand, which his brother-in-law is said to have taken away from him. What may have led to the trouble is not known.

## SIXTEEN HUNDRED VETERANS SHARE IN PENSION FUNDS

Information given out this week at Oklahoma City has it that sixteen hundred old Confederate veterans living in Oklahoma will receive seven dollars and a half a piece each three months for a year commencing July 1. The legislature appropriated \$48,000 for this purpose for the present fiscal year.

## NEW INSURANCE MAN

R. W. Thompson has located here and will in the future be associated with Whale and Company in their insurance and surety bond department. Mr. Thompson has for seven years been in Denison with the Southern Surety Company and is regarded as an excellent insurance man. His association with the Whale and Cox Company came about from increased business, making it more than their one insurance men. O. R. Salmon could handle.

## FOUNDATION WORK BEING LAID

Excavation work on the new Durant National Bank building, corner Second and Main streets, has been finished and concrete men are at work laying the massive foundation, which looks as if it would hold up a skyscraper and stand for a half dozen centuries. Materials are being placed on the ground for the building proper and construction will be rushed along.

## PAVING WORK STARTED

Sam Maxey who landed the subcontract for the concrete work of Main street paving job, started a crew of men to work Wednesday morning on the job. Grading is being done and the concrete men are following rapidly behind them. The gang is in charge of Foreman Dorney.

## FUNDING BONDS WERE REFUSED

Judge Hatchett Decided Against the City on One Count But Rendered Judgment in another — Mandamus Proceedings Probable.

Judge Hatchett rendered decisions in three cases of Durant's old indebtedness last week which are important.

In the case wherein the city asked for funding bonds to cover the amount of judgments against the city, some of which were secured in justice court, others in district court, the request was declined by the court for the reason that under the terms of the judgments, the same were to be paid by direct taxation, levied one-third each year for three years, and that two-thirds of the judgments had already been included in the city's estimates and collected in taxes. The city treasurer holds the funds, but has declined to pay off any part of the judgments, and it is probable that mandamus proceedings will be brought to attempt to force payment. If this action is brought, the issue will be squarely before the court and decided on its merits.

In another case the city asked for funding bonds in the sum of several thousand dollars to take up warrants in which former treasurer Lon Waits had invested the city's sinking funds. In this case the court declined to allow funding bonds, but rendered judgment in favor of the sinking fund, payable one-sixth each year for six years, to be raised by taxation. This was an instance where the treasurer had invested sinking funds in perfectly legal warrants, with the idea of saving to the city the interest that would have been paid on the warrants had they been held by outside parties. That would have been all right, ordinarily, but in this instance the tax collections were light and the funds to redeem the warrants and place back in the sinking fund did not materialize; hence the suit.

In a third case, Austin Brothers asked \$1,180 for interest on warrants given them in 1909 for building bridges for the city, but the suit was dismissed by the court. The principal amounts of the warrants had been included in the refunding suits heard in 1912. Motion for a new trial has been filed in this case and the motion will be heard probably Saturday.

## LOTS OF TROOP TRAINS

Regardless of dispatches saying that there is now no danger of trouble with Mexico, troop trains continue to pass through here at the rate of from two to a dozen a day, and still a-going. Reports were current that it was known that Villa is dead and that the Mexican government can handle the border situation but the United States is taking no chances.

## ORPHEUM OPENED SATURDAY

The new Orpheum Theatre, again in the capable hands of A. J. Allison, was opened to the public Saturday afternoon and a large audience greeted the initial performance of the new show with its new management and new film service. Manager Allison expressed himself as elated at the fine start the show has made, and says if good service will secure the patronage he will get his.

## HAGOOD OFFERED ARMY

Dr. A. S. Hagood of this city was this week proffered the position as Surgeon for the Oklahoma Guard on the border with the rank of Captain and a salary of \$200.00 a month. The duty at first would consist of recruiting men for the service later if necessary. Doctor Hagood declined the appointment after consideration.

## BENNINGTON FAIR

Arrangements are being made to hold a community fair at Bennington this fall, probably a few days prior to the big county fair to be held here. The Bennington committee is being assisted by Farm Agent Fash in making the necessary preparations and exhibits.

## KEILEY TO AUSTIN COLLEGE

Victor M. Keiley of this city has been employed by Austin College at Sherman, Texas, as football coach and athletic director for the ensuing year.

## BOUGHT BUSINESS PROPERTY

A deal was closed last week whereby V. L. Downing became the owner of the W. G. Gumm property on the east side of North Second Avenue, to the rear of the Corner Drug Store. The consideration was not made public. The lot is 24x110 feet in size and has a substantial two-story building on it. Mr. Downing plans remodeling and extensive improvement of the property.

## CHOCTAW COUNTY ATTORNEY CHARGED WITH VIOLATION

According to the Muskogee Phoenix, R. K. Warren, county attorney of Choctaw county, and another business man of Hugo, were arrested this week while in the act of conveying a large quantity of beer over the line into that county. Indian Superintendent Gabe Parker immediately held up on the mailing out of any Indian payment checks to that county, and will hold them up until assurance of rigid enforcement of the prohibition law is given.

## BUILDING AND LOAN ASSOCIATION ELECTS OFFICERS

The annual meeting of the stockholders of the Durant Building and Loan Association was held Monday night of this week, and the following officials were elected for the ensuing year: B. A. McKinney, president; S. A. Whale, vice president; E. T. Haynes, vice president; C. Dyer, treasurer; D. S. MacDonald, attorney; and O. R. Salmon, secretary. The board of directors elected comprises C. O. Johnson, W. F. Pendleton, Jas. R. McKinney, H. L. Cox, H. D. Neely, A. L. Severance, and H. G. Brown. The two first named were added, increasing the board to seven members.

## HAS CARD FROM ROOSEVELT

As soon as it was learned that Theodore Roosevelt, twice President of the United States and organizer of the Bull Moose party, had turned against his third party and supported Hughes, the Republican nominee, Judge C. H. Elting, of this city, wrote Roosevelt a letter commending him for his action, and got a card back which reads like this: "Dear Mr. Elting: That's a mighty nice letter of yours and I thank you for it. Sincerely yours, Theodore Roosevelt." Judge Elting has had the card framed.

## INSTALLS MOTOR DELIVERY

Durant Mercantile Company has this week installed a new auto delivery service, which enables the store to handle deliveries in about half the time required by the old method. The car has a regular delivery body on it, with the well known "Mercantile" trade mark painted on either side.

## SEEKS TO ENJOIN SALE OF PLANT

C. D. Donaldson Would Undo Sale of Light Plant to Ice and Light Company on Grounds that City Council Exceeded Its Authority.

A suit has been filed in the district court wherein C. D. Donaldson is plaintiff and the City of Durant and the Durant Ice and Light Company are defendants, wherein plaintiff seeks to enjoin the sale of the city's light plant to the Durant Ice and Light Company.

The petition recites that the bonds which were represented by the city's light plant were voted by the people and that what the people had voted the council had no authority of law to undo. The validity of the contract entered into between the city and the Light Company for the sale by the former to the latter of the city's unused and apparently useless light plant is attacked on the ground that the contract handled by resolution was a legislative act and of no effect unless referred to the voters and voted favorably upon by them.

The plaintiff asks an injunction setting aside the deed to the property and making the contract and its fulfillment of no effect. When seen about the matter, Judge Hatchett inferred that the case might not be heard until the next term of court.

## GETTING READY FOR ELECTION

Tom Benson, secretary of the county election board, is busy these days making preparations for the primary election to be held on the first day of August, and contracts for the printing of the ballots have been let, and they are now being printed. While no interest seems to be manifested this year in any of the various races, the work of preparing for the election is just as arduous. This year there will be ballots for Republicans and Socialists, as well as the Democrats, save that the last two have only one candidate for nomination to each office.

## A Clean-Up Sale

### Keep Cool Clothes while you need them

Its seldom you have an opportunity like this to pick from high grade toggery right in the middle of the season—and its so awfully uncomfortable you can not afford to be without them.

### Keep Kool Suits

—made by Snellender, Myer Bros. and Kuppenheimer, the kind that retain their shape, stand the wear and tear of business: values up to \$8.50, at \$3.75  
Another lot of \$10 and \$12 values, now \$6.85 and \$7.50  
High Grade Kuppenheimer Cool Cloth, \$16 and \$18 at \$11.50  
No charges for altering sleeves and trousers.

### Boys Keep Kool Suits

—Why should your boy suffer in this heat when you can get them so reasonable here, neat knobby patterns, well made, \$5 values at \$3.85  
Boys Odd Trousers, Sport Shirts, Hats and Caps Clean up prices

### Clean-UP Of Straws

—Not necessary to clean you old one or bother with it when you can have a new, fresh one so very cheap—  
\$4.00 and \$5.00 Panamas, Sakers, Yachts, in fine straws, crisp and new, at \$2.85  
A Table of \$2.50 and \$3.00 Straw Hats in good stylish blocks, clean-up price \$1.65  
Table of slightly soiled broken lots 50c  
Boys and Children's Hats from 19c to 45c

### Sport Shirt Weather

—Save rolling up your sleeves—then look at the nice quality and patterns at 85c and 45c  
Table of staple \$1 and \$1.50 Shirts, good brands 85c

Wash Ties, Athletic Underwear, Belts, Ties, Suspenders and Handkerchiefs in great variety.

ASK ABOUT OUR SILK SHIRTS SPECIALS.

**DURANT Mercantile Co.**  
DURANT, OKLA.  
GOOD THINGS TO WEAR

## Republican Advertising

### Republican County Ticket

Representative—Samuel W. Maytabby, Caddo, Okla.  
County Judge—C. H. Elting, Durant, Oklahoma.  
County Attorney—Robert Crockett, Durant, Oklahoma.  
Court Clerk—L. H. Cox, Hendrix, Oklahoma.  
County Clerk—Loring W. Frazier, Bokchito, Oklahoma.  
County Treasurer—William Malone, Caddo, Oklahoma.  
Sheriff—Thomas J. Sexton, Durant, Oklahoma.  
Assessor—W. S. Hawkins, Yuba, Oklahoma.  
Superintendent of Public Instruction—A. E. McCravy, of Caddo, Oklahoma.  
County Commissioners—  
First District—Joseph Duncan, Durant, Oklahoma.  
Second District—G. W. Wells, Yarnaby, Oklahoma.  
Third District—J. W. Lewis, Bokchito, Oklahoma.

To the Republican Voters of Bryan County, Oklahoma:

The Republican Committee has given above the names of the Republican candidates for the County Offices.

The Republican County Committee urges upon the Republican voters of Bryan County the importance of every Republican voting in the coming primary election to be held on August 1st.

This is desired for two important reasons: That we may have the full party vote, if possible, of our ticket; and that you may vote upon the nine Constitutional amendments.

We are interested in Initiative Petition No. 55, and State Question No. 82, which we understand will be seventh in the printed form, as it will appear at the polls. The way to vote against this proposition will be as follows: Hunt up at the bottom of the proposition the expression "FOR THE AMENDMENT", and through these three words run a line with a lead pencil, and be sure that you have a good black one that will make a good strong line through these three words. In this way you vote against the proposition. Now, Mr. Republican Voter, if you drop this sheet with these amendments upon them in the ballot box without erasing these three words with a lead pencil, you will vote for this proposition. The proposition that we are interested in is commonly known as the Literacy Test.

(Signed) REPUBLICAN CAMPAIGN COMMITTEE